

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT COURT
OF PENNSYLVANIA

Charlton Jennings, Plaintiff	:	Civ. No. 02-195 Erie
	:	
vs.	:	
	:	
Les Fetterman, Officer	:	
In his individual capacity	:	
Defendant	:	
	:	
vs.	:	Civ. No. 02-196 Erie
	:	
Terry Dawley, Officer	:	
Defendant	:	
	:	
vs.	:	Civ. No. 02-210 Erie
	:	
Erie County	:	
District Attorneys Office	:	
D.A. Brad Foulk and	:	
Ex- EPD, Chief Paul De Dionisio	:	
	:	

APPLICATION FOR ENLARGEMENT OF TIME TO FILE MOTION TO VACATE JUDGEMENT
AND / OR ORDERS OF COURT

To the Honorable Maurice B. Cohill, Jr., Judge of the above said court:

And now, this 21st day of December, 2005, comes the plaintiff, Charlton E. Jennings, Pro Se, respectfully files the foregoing document and represents:

VERIFICATION

I hereby verify this 21st day of December 2005, that the facts set forth in the foregoing documents are true and correct, to the best of my knowledge, information and belief, and made subject to the penalty of perjury.

/s/ 
Charlton Jennings

PROOF OF SERVICE

I hereby certify this 21st day of December 2005, that I am serving a true and correct copy of the foregoing documents upon the persons below.

Clerk's Office

U.S. District Court

U.S. District Court

and

Western District of Pennsylvania

Pittsburgh, PA. 15219

Honorable, Maurice B. Cohill

Pittsburgh, PA. 15219

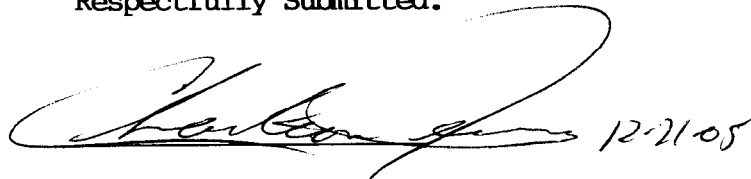
cc: Gerald J. Villola, Esquire
826 State Street
Room # 305
Erie Pa 16501

cc: D. Jonathan Long Esq.
626 State Street
Erie PA. 16501

- 1.) Plaintiff is currently incarcerated at S.C.I. Somerset.
- 2.) Plaintiff is unlearned in the law.
- 3.) The prison limits the time and access that each inmate may have to the law library, due to the overcrowding.
- 4.) The defendant's will suffer no prejudice by the court granting plaintiff an enlargement of (60) sixty days, in which to prepare and file a motion to vacate judgement or order.
- 5.) Plaintiff needs the requested enlargement of time to conduct the necessary legal research in which to adequately perfect the pleading.
- 6.) Plaintiff states that the facts set forth in the foregoing documents are true and correct, and made subject to the penalties of perjury.

Wherefore, plaintiff respectfully moves this honorable court to enter an order, granting plaintiff an enlargement of time in which to file a motion to vacate judgement or order, and such other relief as the court deems appropriate and fit.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Charlton Jennings", with a date "12-21-05" written to the right of the signature.

Charlton Jennings

S.C.I. Somerset

1600 Walters Mill Road

Somerset, PA. 15510

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT COURT
OF PENNSYLVANIA

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In his individual capacity	:	
Defendant	:	
	:	
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	:	
Terry Dawley, Officer	:	
Defendant	:	
	:	
vs.	:	Civ. No. 02-210 Erie
	:	
Erie County	:	
District Attorneys Office	:	
D.A. Brad Foulk and	:	
Ex- EPD, Chief Paul De Dionisio	:	

NOTICE OF APPEAL

And now, this 21st day of December 2005, notice is hereby given that Plaintiff, Charlton E. Jennings appeals the judgement and order entered in this matter, by the Honorable Maurice B. Cohill Jr., U.S. District Court for the Western District of Pennsylvania, on November 29th, 2005, which dismissed plaintiff's civil rights complaint filed under the above - captioned case. Said order is attached hereto as exhibit "A".

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In his individual capacity	:	
Defendant	:	
	:	
vs.	:	Civ. No. 02-195 Erie
	:	
Terry Dawley, Officer	:	
Defendant	:	
	:	
vs.	:	Civ. No. 02-196 Erie
	:	
Erie County	:	
District Attorneys Office	:	
D.A. Brad Foulk and	:	
Ex- EPD, Chief Paul De Dionisio	:	
	:	
	:	Civ. No. 02-210 Erie

APPLICATION FOR LEAVE OF COURT TO FILE AND PROCEED ON APPEAL IN FORMA

PAUPERIS AND FOR APPOINTMENT OF COUNSEL

To the Honorable Maurice B. Cohill, Judge of the above said court:

And now, this 21ST day of December, 2005, comes Plaintiff, Charlton E. Jennings, Pro Se, respectfully files the foregoing document and represents:

- 1.) that plaintiff is currently incarcerated in S.C.I. Somerset.
- 2.) the plaintiff is proceeding Pro se, in the above captioned case.
- 3.) plaintiff's financial condition has not changed since the Honorable court granted him the right to proceed In Forma Pauperis.

4.) the plaintiff wishes to raise the following issues on appeal:

(1.) Whether the court abused it's discretion in dismissing the plaintiff's civil action, for failure to state a claim. When plaintiff has stated such claims upon which he is intitled to relief.

(2.) Whether the court erred and abused it's discretion, in failing to proceed with trial after plaintiff successfully defended against the defendant's motion to dismiss/ motion for summary judgement.

5.) the plaintiff is unlearned in law, and the issues involved are complex . Thus, the plaintiff requires the assistance of a qualified attorney to represent him on appeal.

6.) the defendant's will suffer no prejudice.

Wherefore, plaintiff respectfully moves this honorable court to grant him leave to file and proceed on appeal In Forma Pauperis, and to appoint counsel for purposes of appeal.

Respectfully Submitted:

 12-21-05

Charlton E. Jennings

1600 Walters Mill Rd.

Somerset, PA. 15510

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

Charlton Jennings, Plaintiff	:	Civ. No 02-195 Erie
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vs.	:	
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In his individual capacity	:	
Defendant	:	
	:	
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Terry Dawley, Officer	:	
Defendant	:	
vs.	:	Civ. No 02-210 Erie
	:	
Erie County	:	
District Attorneys Office	:	
D.A. Brad Foulk and	:	
Ex- EPD, Chief Paul De Dionisio	:	

ORDER TO TRANSMIT TRIAL COURT RECORD

To the Honorable Maurice B. Cohill Jr., Judge of the above said court:

And now this _____ day of _____, 2005, an appeal having been filed in the above captioned case, the clerk's office is hereby ordered to forward a certified copy of the trial court record to the third circuit court of appeals.

/s/ _____

Hon. Maurice B. Cohill

VERIFICATION

I hereby verify this 21st day of December 2005, that the facts set forth in the forgoing document are true and correct, and are made subject to the penalty of perjury.

181  12-21-05

Charlton E. Jennings

Pro Se

S.C.I. Somerset

1600 Walters Mill Rd.

Somerset, PA. 15510

PROOF OF SERVICE

I hereby certify, this 21st day of December 2005, that I am serving a true and correct copy of the foregoing document upon the persons below.

Clerks Office

U.S. District Court

Pittsburgh, PA. 15219


Honorable Judge Maurice B. Cohill

and

Western District Judge

Pittsburgh, PA. 15219

Filed Pro Se by:

 12-21-05

Charlton Jennings

Plaintiff, Pro Se

S.C.I. Somerset

1600 Walters Mill Road

Somerset, Pennsylvania

15510

CC: Gerald J. Villeale, Esquire

826 State Street

Room # 505

Erie, PA. 16501

CC: D. Jonathan Long, Esquire

626 State Street

Erie, PA. 16501